COCHIN LEGISLATIVE COUNCIL.

Thursday, the *10th of August 1933.*
26th of Karkadagam 1108.

The House met at half past eleven of the clock with M. R. Ry. P. Krishna Menon Avl, in the chair. Messrs. C. Barton Wright, A. G. Menon, K. G. Nayar, K. Mohamed Seethi and C. A. Ouseph were absent.

QUESTIONS AND ANSWERS.

Petitions for relief against floods from the people of Nadamel, Thekkumbhagam, etc., Villages.

381. Mr. Joseph Pettah.—Will the Government be pleased to state:—

(a) in what year approximately was the first petition praying for relief against floods submitted to the Government by the people of Nadamel, Thekkumbhagam and adjoining villages of the Cochin-Kanayannur Taluk;

(b) whether a reminder petition was not submitted to the Government by the same people when Mr. (now Sir) Vijayaraghavachari was the Diwan of the State;

(c) how many petitions have been submitted by the same people on the same matter since 1106; and what replies the Government have vouchsafed to them in regard to each of those petitions?

Mr. V. K. Aravindaksha Menon.—(a), (b) and (c). The petitions cannot be traced without an elaborate search. Government do not think that the time and labour involved is commensurate with the purpose to be served. As regards relief against floods, it was proposed to widen the Karingochira bridge. Further proposals are also being investigated.

Age of retirement—Teachers in Aided Schools.

382. Mr. K. T. Mathew.—Will the Government be pleased to state whether the Government are following a definite and uniform rule relating to the age of retirement in the case of teachers employed in aided schools; and if so, what is it?

Mr. K. Narasimha Pai.—Yes; the continuance of aided school teachers after 60 and their dismissal before 60 should be done with a medical certificate, the Inspecting Officer's opinion

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regarding the teacher's capacity being an essential factor for either course.

Mr. K. T. Mathew.—May I know why besides a medical certificate the Inspecting Officer's opinion is ascertained?

Mr. K. Narasimha Pai.—It is a question of efficiency of work. If the teacher is found efficient he may be allowed to continue.

Mr. K. T. Mathew.—Then why should we call for a medical certificate?

Mr. K. Narasimha Pai.—Sometimes there may be a mental derangement due to old age.

Mr. K. T. Mathew.— Will not the mental ability be disturbed before 60 in some cases? Do you in such cases take medical certificate?

Mr. K. Narasimha Pai.—Most probably in the older age the people lose their mental ability.

Mr. K. T. Mathew.—As far as mental ability is concerned, may I know what is the difference between 60 and 59?

Mr. K. Narasimha Pai.—I am not competent to say.

Mr. K. T. Mathew.—Will the Government consult the Chief Medical Officer and give me an answer?

Dr. D. Raghavendra Rao.—I should like to know the question.

Mr. K. T. Mathew.—The Goverament Member is there. He can explain it.

Mr. K. Narasimha Pai.—The question is whether there is any difference in the mental condition of people at the age of 59 and 60.

Dr. D. Raghavendra Rao.—There will be difference in one day. Why one year?

Mr. K. T. Mathew.—The disability may come at any time, is it not?

Dr. D. Raghavendra Rao.—At any time.

Mr. K. T. Mathew.—Will the Government be pleased to state why they insist upon producing the medical certificate if they are not willing to abide by it?

On a point of order, Sir. If a question is put to a member and if it is a supplementary question there was a ruling in the Madras Council that the Government Member must answer it.

Mr. K. Narasimha Pai.—Well. One thing I may tell you. The struggle for existence becomes keener and keener and if old people do notgo out, the younger generation will not have any chance. As regards the general policy it is only now that these questions are coming in and proceedings have been passed very recently. Till now individual cases were dealt with on

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their own merits. Hereafter it is competent for this House to say what principleshould be followed.

Mr. K. T. Mathew.—I quite agree with the Hon'ble Member when he says that he should provide for the younger generation. That is the very purpose of my putting this question. If you say that medical certificate should be produced and if the Doctor certifies that the gentleman who is concerned in the matter is capable of doing his work, why should the Inspecting Officer's name be brought in? Either you should abide by the medical certificate of the Doctor or leave it with your Inspecting Officers. Why should the teacher be put to an unnecessary expenditure of producing the medical certificate?

Mr. K. Narasimha Pai.—Sometimes it so happens that even if the Inspecting Officer knows that a certain person is incompetent he does not say anything. I have got instances. I am talking of facts. For example, I may feel that a particular person is mentally weak. I would rather ask the medical officer to certify to that effect.

Mr. K. T. Mathew.—Will the Government abide by the certificate?

Mr. K. Narasimha Pai.—I think we have to abide by it, if he produces a certificate from the Chief Medical Officer.

Mr. K. T. Mathew—Only from the Chief Medical Officer and not from the Government Doctors at different stations?

Mr. K. Narasimha Pai.—That will depend upon the merits of the case. If it is a major issue, we require always a competent authority to certify. Sometimes it may be even a Medical Board as, I think, it was done at the instance of this very House. I am not quite sure of it.

Mr. K. T. Mathew.—May I know whether the Government would accept a certificate from the Doctor at Kunnamkulam?

Mr. K. Narasimha Pai.—I don't think there is any reason to exclude a particular Doctor.

Mr. K. T. Mathew.—Will the Government take his verdict in the matter?

Mr. K. Narasimha Pai.—I don't know unless I know the particular facts. I cannot talk on hypothetical cases.

Mr. K. T. Mathew.—On behalf of the Government it was said that the certificate should be from the Chief Medical Officer. Will the Government accept a certificate from the Government Doctor posted at Kunnamkulam?

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. K. Narasimha Pai —I cannot give a definite reply to a hypothetical question. If it is anything minor we have to accept it. If anybody is aggrieved by that certificate we may have to go to higher authorities.

Mr. K. M. Ibrahim.—How is it a hypothetical question?

Mr. K. Narasimha Pai.—It is a hypothetical question.

Dr. A. R. Menon.—Does the Government rule say that the Chief Medical Officer has to certify?

Dr. D. Raghavendra Rao.—In the case of men who have to retire from service before the age of 55 it is the Government rule that he should be certified by the Chief Medical Officer and no one else.

Mr. K. T. Mathew.—Am I to understand that those who have passed the 55th year must be examined by the Chief Medical Officer so that they may continue in service?

Dr. D. Raghavendra Rao.—Yes.

Mr. K. T. Mathew.—Is that rule followed by the Government?

Dr. D. Raghavendra Rao.—Yes.

Mr. P. Kumaran Ezhuthassan.—May I know whether this examination is invariably conducted with regard to all officers in the State?

Dr. D. Raghavendra Rao.—It is invariably followed in the case of inferior servants.

Mr. P. Kumaran Ezhuthassan.—May I know at what border is the line drawn?

Dr. D. Raghavendra Rao.—Rs. 15 and below.

Mr. P. Kumaran Ezhuthassan.—So, to a person drawing above Rs. 15 up to, say, Rs. 800, this rule does not apply?

Dr. D. Raghavendra Rao.—Yes.

Mr. K. M. Ibrahim.—Are we to understand that this rule does not apply to superior officers?

Dr. D. Raghavendra Rao.—There are instances where people working in the inferior service before 60 are found by the Heads of Offices or Departments not doing their work satisfactorily. The chances are that such men are invariably sent to the Chief Medical Officer.

Mr. K. T. Mathew.—May I know why the Inspecting Officer should be given the upper hand when the candidate concerned produces a medical certificate of his fitness? Will the Government abide by the verdict of the Doctor who certifies or by the opinion of the Inspecting Officer?

Mr. K. Narasimha Pai.—It is not necessary that when a medical certificate disqualifying a person is produced the Inspecting Officer should say anything. I say, very often it is the

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Inspecting Officer who has to make the first say. If that is not satisfactory he is referred to the Medical Officer.

Mr. K. T. Mathew.—If at the request of the Inspecting Officer a certificate is produced, he is not bound to accept that certificate?

Mr. K. Narasimha Pai.—It is left to the discretion of the final authority. The Government may overrule.

Mr. K. T. Mathew.—The Inspecting Officer asks for a certificate from a competent doctor and he produces a certificate from a Government Doctor and if that Doctor certifies that he is capable of discharging his work should he not at least respect that officer's decision?

Mr. K. Narasimha Pai.—I have explained that.

Mr. P. S. Kesavan Nambudiri.—Are they necessary in the case of teachers in the Government service?

Mr. K. Narasimha Pai.—Teachers in Government service automatically retire at 55.

Mr. P. S. Kesavan Nambudiri.—May I know why a different principle is followed in the case of aided school teachers?

Mr. K. Narasimha Pai.—It is a private agency and I may say Blood is thicker than Water. If there are relations they will try to keep them on. I have got any number of cases even within this short period that I have been here. It is a very difficult thing for the Department to insist upon private managers to follow the same rules literally as in Government service. They have their own freedom. These are really difficult problems.

Mr. K. T. Mathew.—If there are such cases as I stated, will the Government consider them?

Mr. K. Narasimha Pai.—I have none to my knowledge.

Mr. K. T. Mathew.—I shall bring it to your notice.

Mr. K. Narasimha Pai.—Then I shall decide on the merits.

Age of retirement of teachers in Aided Schools.

383. Mr. K. T. Mathew.—Will the Government be pleased to state:—

(a) whether the age of retirement from service of teachers in aided schools has been fixed; and if so,

(b) what is the age fixed,

(c) when was it fixed;

(d) whether a copy of the order fixing the age be printed and placed on the Council table;

(e) whether the Memo C. No. 10769/06, dated 16th April 1931, issued from the Office of the Director of Public Instruction be printed and placed on the Council table;

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